

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
V. § **Criminal No. H-09-629**
§
§
JOHN O'SHEA §

GOVERNMENT'S REQUESTED VOIR DIRE

The United States files with this Honorable Court its requested voir dire questions.

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

DENNIS MCINERNEY
Chief
Criminal Division, Fraud Section
NICOLA MRAZEK
Senior Trial Attorney

\s\ Gregg Costa
GREGG COSTA
Assistant United States Attorney

GOVERNMENT'S REQUESTED VOIR DIRE NO. 1

Do any among you have any conscientious objection, religious belief, or mental reservation such that you could not, in good faith, sit as a juror in a criminal case and return a verdict of guilty if you believe from all of the evidence that the government has proved its case beyond a reasonable doubt?

GOVERNMENT'S REQUESTED VOIR DIRE NO. 2

Are there any among you who have a family member or close friend who has been charged with a state or federal crime?

Are there any among you who have been the subject of a state or federal criminal investigation?

Are there any among you that presently have any legal matter pending at this time in State Court, Federal Court, Tax Court, or with any federal agency or appeal authority?

GOVERNMENT'S REQUESTED VOIR DIRE NO. 3

Is there any among you who would not believe the testimony of a member of a federal law enforcement agency, including Special Agents with the FBI or the IRS?

On the other hand, is there any among you who would believe the testimony of a federal agent merely because he or she is a law enforcement officer?

Has anyone ever had a particularly bad or unpleasant experience with any police officer or federal agent such that you felt you were treated unfairly by this individual?

Would any of these experiences or beliefs affect your ability to serve as a fair and impartial juror in this criminal case?

GOVERNMENT'S REQUESTED VOIR DIRE NO. 4

You may hear testimony in this case from individuals who have pled guilty or reached other agreements to cooperate with the government. The court will explain to you how this procedure is allowed under the rules, but will also instruct you to evaluate such testimony with particular caution

Does anyone feel that the government should not be permitted to use as witnesses other defendants who have pled guilty and are awaiting sentencing?

Is there anyone who would never accept as true, under any circumstances, the testimony of such a person on the basis that they are cooperating with the government and may receive a reduced sentence based upon their cooperation.

GOVERNMENT'S REQUESTED VOIR DIRE NO. 5

Have you, a family member or business associate conducted business in Mexico as part of their job?

This case involves a state-owned electrical utility in Mexico. Have you, a family member or business associate ever worked in the electricity industry?

Have you, a family member or business associate ever been asked to pay a bribe in a foreign country?

Does anyone have strong feelings about Mexico or Mexican citizens, positive or negative, that would prevent you from being an impartial juror given the subject matter of this case?

GOVERNMENT'S REQUESTED VOIR DIRE NO. 6

The defendant is charged with bribery in violation of the Foreign Corrupt Practices Act. He is alleged to have paid bribes to officials in Mexico to gain business advantages.

Does anyone think the laws of the United States should not be concerned with bribery conducted by Americans in foreign countries?

Does anyone think it is wrong or unfair for a person to be charged with bribery if refusal to pay the bribe would hurt the person's business?

Does anyone think it is wrong or unfair for a person to be charged with bribery if bribery is common in the foreign country?

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Government's Requested Voir Dire was filed electronically and served via Notice of Electronic Filing on counsel for the defendants on October 28, 2011

By: /s/ Gregg Costa
Gregg Costa
Assistant U. S. Attorney